

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/783,804	DIETERICH	
	<b>Examiner</b>	<b>Art Unit</b>	
	Phuongchau Ba Nguyen	2665	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11-18-4 & interview 5-10-5.
2. ☒ The allowed claim(s) is/are 18,19,22-23,26-27; Renumbered as 1-6.
3. ☒ The drawings filed on 6-14-1 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>5-19-5</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                       |
|   | 9. <input type="checkbox"/> Other _____  |

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with ----- on 5-20-5.

3. The application has been amended as follows:

**Claim 19, line12:** "PCT" had been changed to ---PCR---

### ***Allowable Subject Matter***

4. The following is an examiner's statement of reasons for allowance:

Regarding claim 18, the prior art fails to teach or suggest a method for evaluating in real time a packet stream having a plurality of packets, said method comprising the steps of "said extracting step (b) comprises the steps of b1) computing a total unit of bit time by multiplying a number of received packets with a number of bits per packet; and b2) computing a total unit of bit time by multiplying a difference between a current program clock reference (PCR) value and a last PCR value with a bit rate in units of bits per PCR tick," in combination with other limitations, as specified in the independent claim 18.

Regarding claim 19, the prior art fails to teach or suggest a method for evaluating in real-time a packet stream having a plurality of packets, said method comprising the steps of "said extracting step (b) comprises the steps of b1) computing a total unit of bit time by multiplying a number of received packets with a number of bits per packet; and b2) computing a total unit of bit time by multiplying a difference between a current recorded program clock reference (PCR) value and a last recorded PCR value with a bit rate in units of bits per PCR stick," in combination with other limitations, as specified in the independent claim 19.

Regarding claim 22, the prior art fails to teach or suggest a computer readable medium having stored thereon a plurality of instructions, the plurality of instructions including instructions which, when executed by a processor, cause the processor to perform the steps comprising of "said extracting step (b) comprises the steps of b1) computing a total unit of bit time by multiplying a number of received packets with a number a bits per packet; and b2) computing a total unit of bit time by multiplying a difference between a current program clock reference (PCR) value and a last PCR value with a bit rate in units of bits per PCR stick," in combination with other limitations, as specified in the independent claim 22.

Regarding claim 23, the prior art fails to teach or suggest a computer readable medium having stored thereon a plurality of instructions, the plurality of instructions including instructions which, when executed by a processor, cause the processor to perform the steps comprising of "said extracting step (b) comprises the steps of b1) computing a total unit of bit time by multiplying a number of received packets with a

number of bits per packet; and b2) computing a total unit of bit time by multiplying a difference between a current recorded program clock reference (PCR) value and a last recorded PCR value with a bit rate in units of bits per PCR tick," in combination with other limitations, as specified in the independent claim 23.

Regarding claim 26, the prior art fails to teach or suggest an apparatus for evaluating in real time a packet stream having a plurality of packets, said apparatus comprising "said extracting means computes a total unit of bit time by multiplying a number of received packets with a number of bits per packet, and computes a total unit of bit time by multiplying a difference between a current program clock reference (PCR) value and a last PCR value with a bit rate in units of bits per PCR tick," in combination with other limitations, as specified in the independent claim 26.

Regarding claim 27, the prior art fails to teach or suggest an apparatus for evaluating in real time a packet stream having a plurality of packets, said apparatus comprising "said extracting means computes a total unit of bit time by multiplying a number of received packets with a number of bits per packet, and computes a total unit of bit time by multiplying a difference between a current recorded program clock reference (PCR) value and a last recorded PCR value with a bit rate in units of bits per PCR tick," in combination with other limitations, as specified in the independent claim 27.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably


Art Unit: 2665

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

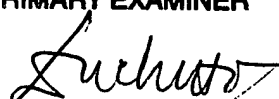
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuongchau Ba Nguyen whose telephone number is 571-272-3148. The examiner can normally be reached on Monday-Friday 10:00AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Phuongchau Ba Nguyen  
Examiner  
Art Unit 2665

**DUCHO**  
**PRIMARY EXAMINER**

  
5-20-05